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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL M. RAMARGE, ALAN P. YERGES,  
DAVID P. BAILEY, and ROGER S. PERKINS

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Appeal 2009-013788  
Application 10/762,290  
Technology Center 3700

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Before: WILLIAM F. PATE III, MICHAEL W. O'NEILL, and  
KEN B. BARRETT, *Administrative Patent Judges*.

PATE III, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 8-16, 18-22 and 33-39. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to manufacturing process for a surge arrester module. Claim 8, reproduced below, is illustrative of the claimed subject matter:

8. A method for manufacturing an electrical module assembly, the method comprising:

providing an electrical module assembly including at least one MOV disk to which a reinforcing structure has been applied;

wrapping the electrical module assembly with shrink film;

compacting the wrapped electrical module assembly by heating the shrink film such that the shrink film shrinks and applies a compressive force to the electrical module assembly; and

curing reinforcing structure of the wrapped electrical module assembly at a temperature at which the shrink film no longer applies a compressive force.

## REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Avdeenko	US 4,298,900	Nov. 3, 1981
Doone	US 5,218,508	Jun. 8, 1993
Mabbott	US 5,842,096	Nov. 24, 1998
Kester	US 6,008,975	Dec. 28, 1999

### REJECTIONS

Claims 8, 9, 12, 14-16, 33, 36, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doone. Ans. 3.

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doone and Mabbott. Ans. 5.

Claims 13, 18-22, 34 and 35 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Doone and Kester. Ans. 6.

Claim 38 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Doone and Avdeenko. Ans. 7.

### OPINION

We have carefully reviewed the rejections on appeal in light of the arguments of the Appellants and the Examiner. As a result of this review, it is our conclusion that the applied prior art does not establish the obviousness of claims 8-16, 18-22 and 33-39. Therefore the rejections of all claims on appeal are reversed. Our reasons follow.

The Examiner argues that at a minimum Doone teaches the claimed limitation of curing the reinforcing structure of the wrapped electric modular assembly at a temperature at which the shrink film no longer applies a compressive force. Ans. 10. We disagree. Doone is silent with respect to whether the curing temperature of the pre-preg is at a value in which the shrink film no longer applies a compressive force. Therefore, rather than Doone teaching the argued limitation, we find that there is no evidence that the curing of the pre-preg of Doone occurs at a temperature at which the shrink film no longer applies a compressive force.

The Examiner further argues that Appellants include no specific temperatures in the claims. Ans. 10-11. However, we find Appellants'

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temperature limitation to be both clearly set out in the claimed subject matter and not found in the prior art. *See* App. Br. 4.

The Examiner has failed to provide evidence that the curing of the pre-preg of Doone is at a temperature at which the shrink wrap no longer provides a compressive force. Since Doone is the only patent alleged to recite this missing feature, all the obviousness rejections on appeal must be reversed.

#### DECISION

The rejections of claims 8-16, 18-22 and 33-39 are reversed.

REVERSED

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